

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

JAMES FINCH and JUSTIN FINCH, et al.,)	
)	
)	
Plaintiffs,)	CIVIL ACTION FILE NO.
)	2:10-CV-0062-WCO
vs.)	
)	
DONALD SHANE BROWN, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR ORAL HEARING
UPON CROSS-MOTIONS FOR SUMMARY JUDGMENT**

NOW COME the Plaintiffs and Move the Court to schedule an oral hearing upon the cross-motions for Summary Judgment which are currently pending before the Court, showing in support hereof the following:

1. Three Motions for Summary Judgment are pending before this Court: a) Plaintiffs' Motion for Partial Summary Judgment against Defendant Brown, D.E. 103; b) Defendant Stanley's Motion for Summary Judgment, D.E. 119; and, c) Defendant Gailey's Motion for Summary Judgment, D.E. 117.
2. The briefing on all three of the motions will be completed, and the matters presented will be ready to be adjudicated by the Court within the next two weeks.

3. Oral hearing will be of assistance to the Court in at least the following areas:

- a. identification of actually disputed facts;
- b. identification of facts which are genuinely not in dispute;
- c. assessment of each individual Defendant's requisite knowledge concerning the threat of suicide posed by Mr. Finch prior to his death and the respective Defendant's actual response to that threat;
- d. assessment of the character of the conduct which each Defendant was called upon to perform insofar as such conduct was either a ministerial duty or discretionary for purposes of the State law based claims of negligence against the respective Defendants.

For and upon the foregoing the Plaintiffs pray that this Court permit and schedule an oral hearing upon the pending motions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2011, I electronically filed the attached with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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